

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0662-IWD-E TCEQ ID: RN102800315 CASE NO.: 35765
RESPONDENT NAME: Texas Petrochemicals LP

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Texas Petrochemicals Baytown Terminal, located at 4604 West Baker Road, approximately 1,600 feet west of Decker Drive, Baytown, Harris County</p> <p>TYPE OF OPERATION: Industrial wastewater facility at an organic chemical manufacturing facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 22, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Mark Oliver, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-3308; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Bryan Wooten, Plant Manager, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017 Ms. Marise Laden Textor, Sr. Corp Director EH&S, Texas Petrochemicals LP, 8600 Park Place Boulevard, Houston, Texas 77017 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY**
2008 SEP 22 PM 1:07
CHIEF CLERKS OFFICE

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: March 13, 2008</p> <p>Date of NOE Relating to this Case: April 11, 2008 (NOE)</p> <p>Background Facts: This was a records review.</p> <p>WATER</p> <p>1) Failure to comply with the permitted effluent limitations for five-day biochemical oxygen demand, pH, total suspended solids ("TSS"), oil & grease, total organic carbon, and flow [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002485000, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual hydrocarbon ("001Y") discharge monitoring report ("DMR") for the monitoring period ending October 31, 2007 and the quarterly toxicity DMR ("TX1Q") for the monitoring period ending December 31, 2007 by the 20th day of the month following the monitoring periods [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0002485000, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failure to measure for each parameter specified in the permit. Specifically, the samples for biochemical oxygen demand and TSS for the monitoring period ending October 31, 2007 for Outfall 201 were reported as lost [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES</p>	<p>Total Assessed: \$17,213</p> <p>Total Deferred: \$3,442 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$6,885</p> <p>Total Paid to General Revenue: \$6,886</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a) By March 31, 2008, conducted an engineering study to identify the cause for noncompliance with permitted effluent limitations, installed a temporary 20,000 gallon tank for emergency holding capacity of non-compliance wastewater, eliminated the use of microorganisms to process unit sumps, and increased maintenance to ensure the process area sumps are maintained free of floating debris and scum;</p> <p>b) By May 21, 2008, employed a full-time environmental coordinator for the Facility; and</p> <p>c) By June 3, 2008, updated operational guidance and conducted employee training to ensure that all monitoring and reporting procedures are properly completed including proper handling of samples to ensure sampling is conducted at the minimum frequencies specified in the permit and timely submittal of DMRs.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>3) The Order will also require the Respondent to within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0002485000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation</p>

Permit No. WQ0002485000, Effluent Limitations and Monitoring Requirements No. 1].		including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations.
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Additional ID No(s): IWD # 02485

Attachment A
Docket Number: 2008-0662-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Petrochemicals LP
Payable Penalty Amount:	Thirteen Thousand Seven Hundred Seventy-One Dollars (\$13,771)
SEP Amount:	Six Thousand Eight Hundred Eighty-Five Dollars (\$6,885)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. Third-Party Recipient shall use SEP Funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. Third-Party recipient shall use a consistent and documented system for determining eligible participants.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision March 8, 2008

DATES	Assigned	14-Apr-2008	Screening	21-Apr-2008	EPA Due	
	PCW	19-Jun-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Petrochemicals LP
Reg. Ent. Ref. No.	RN102800315
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35765	No. of Violations	4
Docket No.	2008-0662-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	30% Enhancement	Subtotals 2, 3, & 7	\$3,960
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Notes: The penalty is enhanced due to six monthly self-reported effluent violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	\$2,685	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$25,550	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,160
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3%	Adjustment	\$53
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend enhancement to capture avoided costs associated with the violations.

Final Penalty Amount	\$17,213
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,213
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DEFERRAL	20% Reduction	Adjustment	-\$3,442
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$13,771
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Screening Date 21-Apr-2008

Docket No. 2008-0662-IWD-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 35765

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN102800315

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Compliance History Worksheet

>> Compliance History: Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced due to six monthly self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 21-Apr-2008 Respondent Texas Petrochemicals LP Case ID No. 35765 Reg. Ent. Reference No. RN102800315 Media [Statute] Water Quality Enf. Coordinator Lynley Doyen Violation Number 1	Docket No. 2008-0662-IWD-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;">Policy Revision 2 (September 2002) PCW Revision March 8, 2008</div>																				
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Adjustment \$7,500																					
\$2,500																					
Violation Events																					
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Economic Benefit (EB) for this violation																					
<div style="display: flex; justify-content: space-between;"> <div> Estimated EB Amount \$2,623 </div> <div> Statutory Limit Test </div> </div> <div style="margin-top: 10px;"> Violation Final Penalty Total \$9,780 </div> <div style="text-align: right; margin-top: 10px;"> This violation Final Assessed Penalty (adjusted for limits) \$9,780 </div>																					

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP
Case ID No. 35765
Reg. Ent. Reference No. RN102800315
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description No commas or \$						

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0
Engineering/construction	\$25,000	31-Dec-2007	30-Jun-2009	1.5	\$125	\$2,498
Land			0.0	\$0	n/a	\$0
Record Keeping System			0.0	\$0	n/a	\$0
Training/Sampling			0.0	\$0	n/a	\$0
Remediation/Disposal			0.0	\$0	n/a	\$0
Permit Costs			0.0	\$0	n/a	\$0
Other (as needed)			0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct an engineering study to determine the cause of noncompliance with effluent limitations and to make necessary adjustments to the Facility. Date required is the first month of noncompliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.0	\$0	\$0	\$0
Personnel			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.0	\$0	\$0	\$0
Supplies/equipment			0.0	\$0	\$0	\$0
Financial Assurance [2]			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.0	\$0	\$0	\$0
Other (as needed)			0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$2,623

Screening Date 21-Apr-2008 Respondent Texas Petrochemicals LP Case ID No. 35765 Reg. Ent. Reference No. RN102800315 Media [Statute] Water Quality Enf. Coordinator Lynley Doyen Violation Number 2 Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0002485000, Effluent Limitations and Monitoring Requirements No. 1	Docket No. 2008-0662-IWD-E PCW <small>Policy Revision 2 (September 2002) PCW Revision March 8, 2008</small>																				
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Statutory Limit Test																					

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP

Case ID No. 35765

Reg. Ent. Reference No. RN102800315

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

ANNUALIZE [1]: avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 21-Apr-2008		Docket No. 2008-0662-IWD-E		PCW																
Respondent Texas Petrochemicals LP		<i>Policy Revision 2 (September 2002)</i>																		
Case ID No. 35765		<i>PCW Revision March 8, 2008</i>																		
Reg. Ent. Reference No. RN102800315																				
Media [Statute] Water Quality																				
Enf. Coordinator Lynley Doyen																				
Violation Number 3																				
Rule Cite(s) 30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0002485000, Monitoring and Reporting Requirements No. 1																				
Violation Description Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual hydrocarbon ("001Y") discharge monitoring report ("DMR") for the monitoring period ending October 31, 2007 and the quarterly toxicity DMR ("TX1Q") for the monitoring period ending December 31, 2007 by the 20th day of the month following the monitoring periods.																				
Base Penalty				\$10,000																
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
		Harm																		
	Release	Major	Moderate	Minor																
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
>> Programmatic Matrix																				
Matrix Notes	<table border="1" style="margin: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input checked="" type="text" value="X"/></td> </tr> </table>				Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	Percent <input type="text" value="1%"/>								
		Major	Moderate	Minor																
	Falsification	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>																
At least 70% of the permit requirement was met.																				
Adjustment				\$9,900																
				\$100																
Violation Events																				
Number of Violation Events <input type="text" value="2"/>		<input type="text" value="153"/> Number of violation days																		
mark only one with an x		<table border="1" style="margin: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="X"/></td></tr> </table>			daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text" value="X"/>				
daily	<input type="text"/>																			
monthly	<input type="text"/>																			
quarterly	<input type="text"/>																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input checked="" type="text" value="X"/>																			
Violation Base Penalty				\$200																
Two single events (one event per DMR) are recommended.																				
Economic Benefit (EB) for this violation			Statutory Limit Test																	
Estimated EB Amount <input type="text" value="\$7"/>			Violation Final Penalty Total <input type="text" value="\$261"/>																	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$261"/>																	

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP

Case ID No. 35765

Reg. Ent. Reference No. RN102800315

Media Water Quality

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB Amount

Item Description: No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$250	20-Nov-2007	3-Jun-2008	0.5	\$7	n/a	\$7
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that DMRs are timely submitted. Date required is the date the first late DMR was due. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$7

Screening Date 21-Apr-2008

Docket No. 2008-0662-IWD-E

PCW

Respondent Texas Petrochemicals LP

Policy Revision 2 (September 2002)

Case ID No. 35765

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN102800315

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0002485000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to measure for each parameter specified in the permit. Specifically, the samples for biochemical oxygen demand and total suspended solids for the monitoring period ending October 31, 2007 for Outfall 201 were reported as lost.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to analyze effluent samples at the minimum frequencies may result in unknown effluent excursions and a release of insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$652

This violation Final Assessed Penalty (adjusted for limits) \$652

Economic Benefit Worksheet

Respondent Texas Petrochemicals LP

Case ID No. 35765

Reg. Ent. Reference No. RN102800315

Media Water Quality

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	13-Mar-2008	3-Jun-2008	0.2	\$3	n/a	\$3
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that all sampling is properly accomplished at the minimum frequencies. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-Oct-2007	31-Oct-2007	1.0	\$3	\$50	\$53
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost that was avoided by failing to analyze for all parameters required by the permit for the month of October 2007 (evaluated at \$25 per sample). Date required is the beginning of the first noncompliant month. Final date is date by which all samples were required to be analyzed.

Approx. Cost of Compliance

\$300

TOTAL

\$55

EFFLUENT VIOLATION TABLE

Texas Petrochemicals LP
TPDES Permit No. WQ0002485000
Docket No. 2008-0662-IWD-E

Monitoring Period End Date	BOD5 daily avg. loading	BOD5 daily max. loading	pH min. conc.	TSS daily avg. loading	Oil & Grease daily max. conc.	TOC daily max. conc.	Flow daily avg.
	Limit = 2.4 lbs/day	Limit = 9.1 lbs/day	Limit = 6.0 s.u.	Limit = 5.2 lbs/day	Limit = 15 mg/L	Limit = 75 mg/L	Limit = 0.0080 MGD
Outfall 001							
8/31/2007	c	c	5.7	c	c	107	c
11/30/2007	c	c	c	c	16	c	c
12/31/2007	c	c	c	c	c	547	c
1/31/2008	c	c	c	c	c	1010	c
Outfall 101							
8/31/2007	c	c	c	c	c	282	c
Outfall 201							
10/31/2007	c	c	c	c	c	c	0.014
11/30/2007	2.9	c	c	5.7	c	c	0.009
12/31/2007	c	c	c	c	c	c	0.009
1/31/2008	11.5	14.5	c	c	c	c	0.011
Outfall 401							
1/31/2008	c	c	c	c	c	132	c

avg. = average

BOD5 = 5-day biochemical oxygen demand

c = compliant

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per liter

MGD = million gallons per day

min. = minimum

s.u. = standard units

TOC = total organic carbon

TSS = total suspended solids

Compliance History

Customer/Respondent/Owner-Operator:	CN600130322	Texas Petrochemicals LP	Classification: AVERAGE	Rating: 7.47																																							
Regulated Entity:	RN102800315	TEXAS PETROCHEMICALS BAYTOWN TERMINAL	Classification: HIGH	Site Rating: 0.05																																							
ID Number(s):	<table border="0"> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXD980878052</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>SOLID WASTE REGISTRATION # (SWR)</td> <td>34136</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>WQ0002485000</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TPDES0087254</td> </tr> <tr> <td>WASTEWATER</td> <td>PERMIT</td> <td>TX0087254</td> </tr> <tr> <td>WASTEWATER</td> <td>EPA ID</td> <td>TPDES0087254</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>ACCOUNT NUMBER</td> <td>HG0956N</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>AFS NUM</td> <td>4820100822</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>PERMIT</td> <td>9348</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>11739</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>12096</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>14233</td> </tr> <tr> <td>AIR NEW SOURCE PERMITS</td> <td>REGISTRATION</td> <td>46225</td> </tr> </table>				INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD980878052	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	34136	WASTEWATER	PERMIT	WQ0002485000	WASTEWATER	PERMIT	TPDES0087254	WASTEWATER	PERMIT	TX0087254	WASTEWATER	EPA ID	TPDES0087254	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HG0956N	AIR NEW SOURCE PERMITS	AFS NUM	4820100822	AIR NEW SOURCE PERMITS	PERMIT	9348	AIR NEW SOURCE PERMITS	REGISTRATION	11739	AIR NEW SOURCE PERMITS	REGISTRATION	12096	AIR NEW SOURCE PERMITS	REGISTRATION	14233	AIR NEW SOURCE PERMITS	REGISTRATION	46225
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AIR NEW SOURCE PERMITS	REGISTRATION	14233																																									
AIR NEW SOURCE PERMITS	REGISTRATION	46225																																									
Location:	LOCATED AT 4604 W BAKER RD, APPRX 1,600 FT W OF DECKER DR (SPUR 330), BAYTOWN, HARRIS CO, TX			Rating Date: 9/1/2007 Repeat Violator: NO																																							
TCEQ Region:	REGION 12 - HOUSTON																																										
Date Compliance History Prepared:	April 16, 2008																																										
Agency Decision Requiring Compliance History:	Enforcement																																										
Compliance Period:	April 16, 2003 to April 16, 2008																																										
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History																																											
Name:	Lynley Doyen		Phone:	512-239-1364																																							

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | |
|----|---|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. |
| | N/A |
| B. | Any criminal convictions of the state of Texas and the federal government. |
| | N/A |
| C. | Chronic excessive emissions events. |
| | N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) |
| | 1 04/21/2003 (209448) |
| | 2 05/23/2003 (317176) |
| | 3 06/24/2003 (317177) |
| | 4 08/19/2003 (317179) |
| | 5 09/22/2003 (317180) |

6	10/24/2003	(317181)
7	11/19/2003	(317182)
8	12/29/2003	(317183)
9	01/26/2004	(317185)
10	02/24/2004	(317173)
11	03/23/2004	(317175)
12	04/23/2004	(361237)
13	05/24/2004	(361238)
14	07/14/2004	(361239)
15	08/24/2004	(361240)
16	09/24/2004	(361241)
17	10/25/2004	(361242)
18	11/29/2004	(387060)
19	12/27/2004	(387061)
20	01/24/2005	(387062)
21	01/31/2005	(347294)
22	02/25/2005	(424848)
23	03/21/2005	(424849)
24	04/25/2005	(424850)
25	05/24/2005	(424851)
26	06/23/2005	(424852)
27	07/22/2005	(424853)
28	09/23/2005	(445492)
29	10/24/2005	(477031)
30	11/28/2005	(477032)
31	12/27/2005	(477033)
32	01/19/2006	(477034)
33	02/24/2006	(477029)
34	03/23/2006	(477030)
35	04/24/2006	(503786)
36	05/23/2006	(503787)
37	06/16/2006	(503788)
38	07/24/2006	(526154)
39	08/21/2006	(526155)
40	09/21/2006	(526156)
41	10/24/2006	(550476)
42	11/27/2006	(550477)
43	01/09/2007	(550478)
44	01/12/2007	(532870)
45	01/16/2007	(550479)
46	02/19/2007	(550475)
47	03/16/2007	(586719)
48	05/16/2007	(586720)
49	05/16/2007	(586721)
50	06/20/2007	(586722)
51	07/18/2007	(586723)
52	08/20/2007	(604776)
53	09/24/2007	(624633)
54	10/22/2007	(604777)
55	11/20/2007	(624634)
56	12/18/2007	(624635)
57	01/17/2008	(624636)
58	04/11/2008	(639067)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 11/30/2006 (550478)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2007 (624633)

Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 3		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2007 (624634)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2007 (624635)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2007 (624636)		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2008		
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



2008 SEP 22 PM 1:07
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS PETROCHEMICALS LP
RN102800315

§
§
§
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§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0662-IWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Petrochemicals LP ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial wastewater facility at an organic chemical manufacturing facility located at 4604 West Baker Road, approximately 1,600 feet west of Decker Drive in Baytown, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 16, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Seventeen Thousand Two Hundred Thirteen Dollars (\$17,213) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Eight Hundred Eighty-Six Dollars

- (\$6,886) of the administrative penalty and Three Thousand Four Hundred Forty-Two Dollars (\$3,442) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Six Thousand Eight Hundred Eighty-Five Dollars (\$6,885) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. By March 31, 2008, conducted an engineering study to identify the cause for noncompliance with permitted effluent limitations, installed a temporary 20,000 gallon tank for emergency holding capacity of non-compliant wastewater, eliminated the use of microorganisms to process unit sumps, and increased maintenance to ensure the process area sumps are maintained free of floating debris and scum;
 - b. By May 21, 2008, employed a full-time environmental coordinator for the Facility; and
 - c. By June 3, 2008, updated operational guidance and conducted employee training to ensure that all monitoring and reporting procedures are properly completed including proper handling of samples to ensure sampling is conducted at the minimum frequencies specified in the permit and timely submittal of discharge monitoring reports ("DMRs").
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002485000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on March 13, 2008 and as shown in the following table:

EFFLUENT VIOLATION TABLE							
Monitoring Period End Date	BOD5 daily avg. loading	BOD5 daily max. loading	pH min. conc.	TSS daily avg. loading	Oil & Grease daily max. conc.	TOC daily max. conc.	Flow daily avg.
	Limit = 2.4 lbs/day	Limit = 9.1 lbs/day	Limit = 6.0 s.u.	Limit = 5.2 lbs/day	Limit = 15 mg/L	Limit = 75 mg/L	Limit = 0.0080 MGD
Outfall 001							
8/31/2007	c	c	5.7	c	c	107	c
11/30/2007	c	c	c	c	16	c	c
12/31/2007	c	c	c	c	c	547	c
1/31/2008	c	c	c	c	c	1010	c
Outfall 101							
8/31/2007	c	c	c	c	c	282	c
Outfall 201							
10/31/2007	c	c	c	c	c	c	0.014
11/30/2007	2.9	c	c	5.7	c	c	0.009
12/31/2007	c	c	c	c	c	c	0.009
1/31/2008	11.5	14.5	c	c	c	c	0.011
Outfall 401							
1/31/2008	c	c	c	c	c	132	c

avg. = average

BOD5 = 5-day biochemical oxygen demand

c = compliant

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per liter

MGD = million gallons per day

min. = minimum

s.u. = standard units

TOC = total organic carbon

TSS = total suspended solids

- Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0002485000, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on March 13, 2008. Specifically, the Respondent failed to submit the annual hydrocarbon DMR ("001Y") for the monitoring period ending October 31, 2007 and the quarterly toxicity DMR ("TX1Q") for the monitoring period ending December 31, 2007 by the 20th day of the month following the monitoring periods.
- Failed to measure for each parameter specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0002485000, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on March 13, 2008. Specifically, the samples for biochemical oxygen demand and total suspended solids for the monitoring period ending October 31, 2007 for Outfall 201 were reported as lost.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Petrochemicals LP, Docket No. 2008-0662-IWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Six Thousand Eight Hundred Eighty-Five Dollars (\$6,885) of the assessed administrative penalty shall be offset with the condition that the Respondent implement the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that within 180 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0002485000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

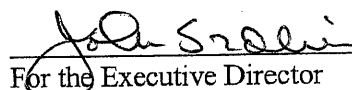
Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

9/12/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

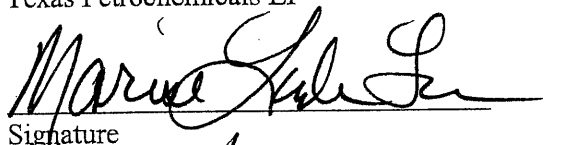
In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

7/8/08
Date

BRYAN WOOTEN
Name (Printed or typed)
Authorized Representative of
Texas Petrochemicals LP

PLANT MANAGER
Title

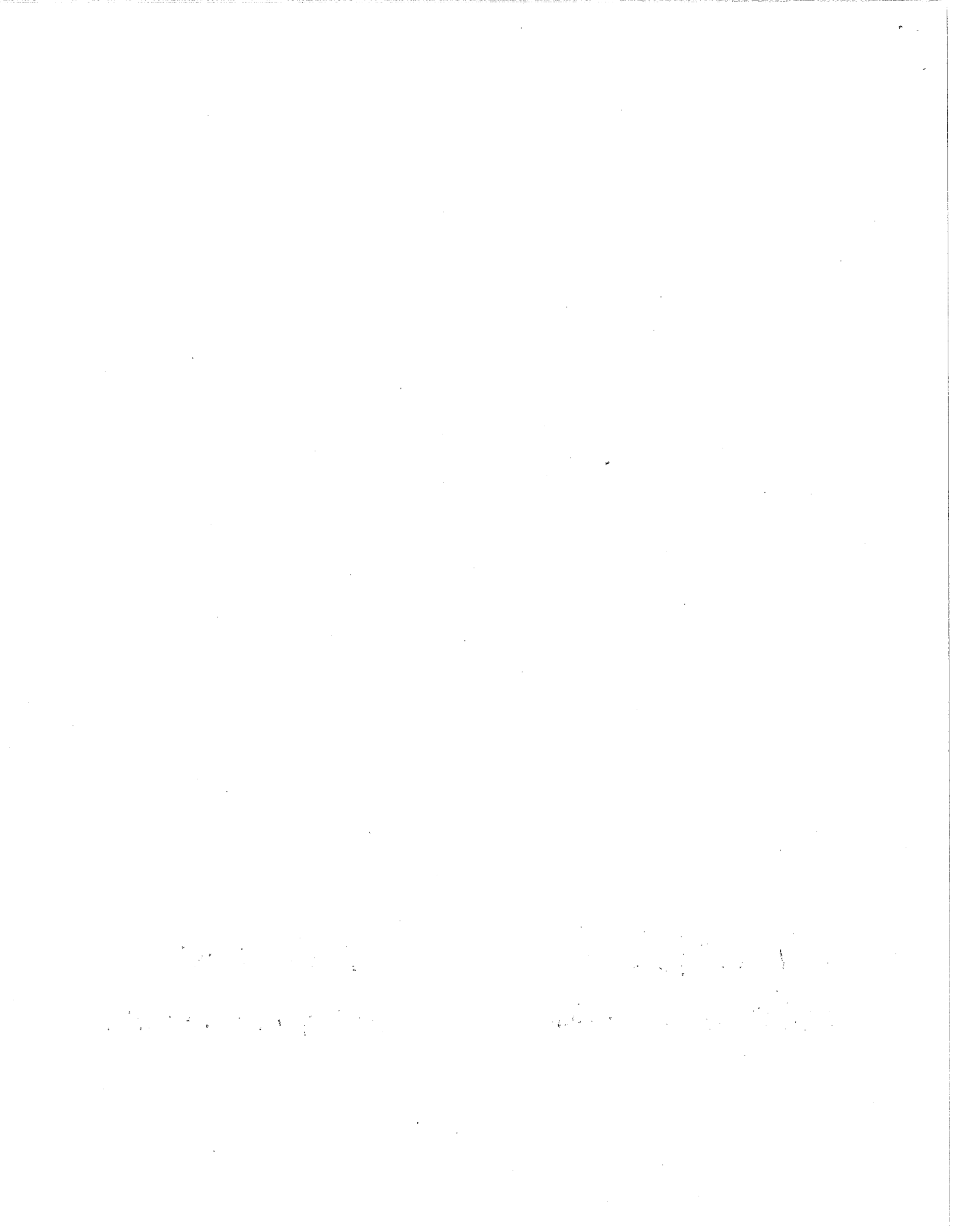

Signature

8 July 2008
Date

Marise Lada Textor
Name (Printed or typed)
Authorized Representative of
Texas Petrochemicals LP

Sr Corp Director Eltsas
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.



Attachment A
Docket Number: 2008-0662-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Texas Petrochemicals LP
Payable Penalty Amount:	Thirteen Thousand Seven Hundred Seventy-One Dollars (\$13,771)
SEP Amount:	Six Thousand Eight Hundred Eighty-Five Dollars (\$6,885)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Harris County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. Third-Party Recipient shall use SEP Funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. Third-Party recipient shall use a consistent and documented system for determining eligible participants.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

